

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANDREW D. COE,)
vs.)
Plaintiff,)
vs.) Case No. 13-cv-0433-MJR-SCW
CHRISTINE BROWN, VIPIN SHAH,)
MARY ROGERS, WEXFORD HEALTH)
SOURCES, INC., and NANCY KNOPE,)
Defendants.)

MEMORANDUM & ORDER

REAGAN, District Judge:

This § 1983 civil rights case comes before the Court on Defendants' oral motion for Rule 41 dismissal for failure to prosecute. Pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (c), and Federal Rule of Civil Procedure 72(b), Magistrate Judge Stephen C. Williams submitted a Report and Recommendation ("R&R", Doc. 56) to the undersigned District Judge, in which he recommends the Court adopt his findings of fact and conclusions of law and grant dismissal. Judge Williams reasoned:

Plaintiff's case should be dismissed for failure to prosecute because he has shown a pattern of serious and repeated errors. This is not [a] situation ... where the plaintiff made a single error by failing to show up at ... one routine status conference. Here, Plaintiff has failed to meet his obligations as a litigant and participate in discovery. When Defendants complained of this conduct, Plaintiff failed to respond. The Court issued an order requiring Plaintiff to be present at a hearing to discuss the discovery dispute, which Plaintiff ignored. Plaintiff was given specific warnings that his case would be subject to dismissal should he fail to appear, and yet he continued to neglect his case.

(Doc. 56, 2–3). The parties were informed that, should they fail to object to Judge Williams' R&R, they would waive the right to challenge it before either this Court or the Court of Appeals.

Following his blatant pattern of not meeting his litigation obligations, Plaintiff filed no objection to Judge Williams' R&R. The period in which such objections may be filed has expired, so pursuant to 28 U.S.C. § 636(b)(1)(B) this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985); *Banco Del Atlantico, S.A. v. Woods Indus.*, 519 F.3d 350, 354 (7th Cir. 2008); *Video Views, Inc. v. Studio 21, Ltd.* 797 F.2d 538, 539–40 (7th Cir. 1986).

Accordingly, the undersigned District Judge **ADOPTS** Magistrate Judge Williams' Report and Recommendation (**Doc. 56**) in its entirety and **GRANTS** (**Doc. 54**) Defendants' oral motion to dismiss. The matter is **DISMISSED WITH PREJUDICE**, and the Clerk of Court is **DIRECTED** to close this case. *See Lucien v. Brewer*, 9 F.3d 26, 28 (7th Cir. 1993) (dismissal is a “feeble sanction” if it is without prejudice; “Rule 41(b) states the general principle that failure to prosecute a case should be punished by dismissal of the case with prejudice.”).

IT IS SO ORDERED.

DATE: January 29, 2014

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge